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Human rights and unilateral coercive measures

Report of the Secretary-General

Contents

		Paragraphs	*Page*
I.	Introduction	1–4	2
II.	Replies received from Governments	5–16	2
	Ecuador	5–6	2
	Jamaica	7–9	2
	Kuwait	10–13	2
	Syrian Arab Republic	14–16	3

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I. Introduction

1. The present report is submitted pursuant to General Assembly resolution 53/141 of 9 December 1998, entitled "Human rights and unilateral coercive measures".

2. In the above-mentioned resolution, the General Assembly:

- Requested the Secretary-General to bring that resolution to the attention of all Member States, to seek their views and information on the implications and negative effects of unilateral coercive measures on their populations and to submit accordingly a report thereon to the Assembly at its fifty-fourth session;
- Decided to examine that question on a priority basis at its fifty-fourth session under the sub-item entitled "Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms".

3. In accordance with paragraph 7 of the resolution, the Secretary-General, in a note verbale dated 7 May 1999, invited Member States to transmit information relevant to the subject matter.

4. As at 23 July 1999, replies were received from the following Governments: Ecuador, Jamaica, Kuwait, and the Syrian Arab Republic. Any additional replies will be compiled and submitted as addenda to this report.

II. Replies received from Governments

Ecuador

[Original: Spanish]
[30 June 1999]

5. The Government of Ecuador wishes to state that, although the Ecuadorian population has not suffered from the measures censured in General Assembly resolution 53/141, Ecuador has invariably expressed its clear rejection of the philosophy and practice of such expedients.

6. As a State which respects international treaties and resolutions, Ecuador considers that the use of such measures is a clear violation not only of international treaty norms but also of the principles of *jus cogens*, which include the right of peoples to self-determination and the principle of non-intervention in a country's internal affairs. The use of unilateral coercive measures as a means of exerting political or economic pressure is an obvious breach of those principles and it adversely affects the enjoyment of human rights.

Jamaica

[Original: English]
[30 June 1999]

7. At the fifty-third session of the General Assembly, Jamaica voted in favour of resolution 53/141 and, in concert with its Caribbean Community (CARICOM) colleagues, reiterated its opposition to the extraterritorial application of national legislation that is incompatible with international law and the purposes and principles of the Charter of the United Nations.

8. Jamaica attaches significant importance to the strict observance of the principles of international law and to freedom of trade and navigation. Jamaica therefore opposes the use of unilateral coercive measures which run counter to international law and the sovereign equality of States. It is within this context that Jamaica has joined the international community in supporting the various United Nations resolutions against such measures as impede the full realization of the rights protected in the international human rights instruments.

9. While Jamaica has no direct experience of the effect of unilateral coercive measures, Jamaica is cognizant of the harmful impact these measures can have on affected countries, especially small developing countries, and their populace. Jamaica therefore endorses the call in General Assembly resolution 53/141 for the earliest possible revocation of such measures by those Member States that are implementing them.

Kuwait

[Original: Arabic]
[9 July 1999]

10. The competent Kuwaiti authorities, having studied the above-mentioned resolution, wish to reaffirm the considerable concern that the State of Kuwait is showing for human rights issues in all fields and in all forums, as illustrated by its participation at the highest political levels in the international gatherings that are held to that end. In particular, Shaikh Jaber al-Ahmad al-Sabah, the Amir of the State, graciously headed the Kuwaiti delegation participating in the Copenhagen Summit held in 1995, at which His Highness expressed the extent of Kuwait's concern and full

commitment to effective participation in endeavours to promote human rights issues in general and developmental issues in particular. He also emphasized the leading role that Kuwait was playing in dealing with developmental issues through its ongoing contributions in this regard, which confirmed its eagerness to play a leading role at the international level.

11. The State of Kuwait, being committed to those values and principles, is seeking to strengthen and develop all aspects of its foreign relations in keeping with its firm belief in the principles of international law concerning the need to promote closer friendly relations among States which are echoed not only in the purposes and principles set forth in the Charter of the United Nations and the charters of other regional organizations of which the State of Kuwait is a member but also in the internal policies that Kuwait is pursuing in furtherance of its foreign policy objectives. One of the fundamental purposes of the Charter of the United Nations is to strengthen international peace and security and promote respect for human rights, for the achievement of which specific principles are set forth in the Charter. These include, in particular, abstention from the use of force in international relations, the settlement of disputes by peaceful means, non-intervention in the internal affairs of other States, respect for the principles of good neighbourliness and other noble principles, all of which are conducive to the achievement of those purposes, and which the State of Kuwait regards as basic rules with which it has endeavoured to comply in its foreign policy and consequently, throughout its history, it has never taken any unilateral coercive measures not in accordance with international law and the Charter of the United Nations, nor has it exerted any political or economic pressure against any country.

12. There are numerous practical examples that confirm the strength and extent of Kuwait's commitment to the foreign policy that it formulated with a view to alleviating the financial burdens of the developing countries. In fact, it has diligently taken a number of steps to that end at both the national and the international levels. At the national level, it established the Kuwait Fund for Economic Development to support and further development projects in third world countries in order to combat poverty in general and enable those countries to ensure greater respect for human rights in their territory. It has also contributed actively to a number of international and regional funds established to promote economic and social development in various countries of the world, including the Kuwait-based Arab Fund for Economic and Social Development, the Islamic Development Bank and other financial and economic institutions established for that purpose, and which the State of Kuwait is diligently supporting so that they can achieve the noble, humanitarian aims for which they were established. At the same time, this also constitutes one of the forms of cooperation in which Kuwait is engaged at the international level through its collaboration with international bodies seeking to help the developing countries overcome their financial problems and the obstacles impeding their development. This cooperation is not confined to official endeavours undertaken by the Kuwaiti Government; the State is also encouraging national institutions and individuals to provide aid and assistance to those in need thereof in other countries, regardless of the origin or cause of that need which might be attributable to poverty, natural disasters, human conflicts or other causes of human suffering which the State of Kuwait is endeavouring to combat and alleviate.

13. A noteworthy initiative in this connection was graciously taken by His Highness the Amir of the State at the forty-fifth session of the United Nations General Assembly in 1990 when he announced the remission of the debts that countries owed to the State of Kuwait.

Syrian Arab Republic

[Original: Arabic]
[29 June 1999]

14. In keeping with its principles, the Syrian Arab Republic supported General Assembly resolution 53/141 of 9 December 1998, entitled "Human rights and unilateral coercive measures", in which the Assembly urged all States to refrain from adopting or implementing any unilateral measure not in accordance with international law and the Charter of the United Nations, in particular those of a coercive nature, which create obstacles to trade relations among States, thus impeding the full realization of the rights set forth in the Universal Declaration of Human Rights.

15. The Twelfth Summit of Heads of State or Government of Non-Aligned Countries, which was held at Durban on 2 and 3 September 1998, referred to unilateral coercive measures against particular countries and regarded them as contrary to the norms of international law and the purposes and principles of the United Nations.

16. The Eighth Organization of the Islamic Conference Summit, held at Tehran from 9 to 11 December 1997, urged States to regard unilateral measures of a political or economic nature by one country against another in violation of international law and standards as null and void.